



Attorney Docket No.: **49954-DIV 1 (70551)**



Attorney Docket No.: 49954-DIV 1 (70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Junsaku Nakajima, et al.
Application No. 10/670,666 Examiner: Ortiz Criado, Jorge L.
Filed: September 24, 2003 Group: 2627
For: OPTICAL DISC HAVING PITS OF DIFFERENT DEPTH FORMED
THEREIN, OPTICAL DISC DEVICE FOR REPRODUCING THE SAME,
AND METHOD OF REPRODUCTION

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence (and all papers referred to therein) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No: EV 894060002 US), and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 5, 2006.

By:

Kathryn A. Grindrod
Kathryn A. Grindrod

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that all further communications from the Patent and Trademark Office in connection with the above-referenced application be sent to the following address:

David G. Conlin
Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205
Telephone: (617) 439-4444
Facsimile: (617) 439-4170

Respectfully submitted,

Date: December 5, 2006

By

David A. Tucker
David A. Tucker
Reg. No.: 27,840
Customer No. 21,874



Docket No.: 49954-DIV 1 (70551)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: J. Nakajima, et al.

Application No.: 10/670,666

Confirmation No.: 8361

Filed: September 24, 2003

Art Unit: 2627

For: OPTICAL DISC HAVING PITS OF
DIFFERENT DEPTH FORMED THEREIN,
OPTICAL DISC DEVICE FOR
REPRODUCING THE SAME, AND
METHOD OF REPRODUCTION

Examiner: Ortiz Criado, Jorge L.

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No: EV 894060002 US), and is addressed to Mail Stop: AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on December 5, 2006.

By Kathryn A. Grindrod
Kathryn A. Grindrod

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references/documents listed on the attached PTO/SB/08a/b. It is respectfully requested that these references/documents be expressly considered during the prosecution of this application, and that these references/documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

I COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed. (Applications filed after June 30, 2003, no copies of cited US Patents are required and therefore, are not enclosed).
- b. This application relies under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. , filed on . The references listed on the attached Form PTO/SB08a/b were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application.

II. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information submitted herewith are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. X A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- See English language Abstracts attached to each of the documents cited and provided herewith. Also see, attached copy of partial European Search Report dated 26 October 2006 in an application corresponding to this application.

- c. X The following additional information is provided for the Examiner's consideration:

JP07-021588 was cited in the Official Action of 2 June 2006 issued in the present application (a copy of the front page of the reference and its English language Abstract are attached hereto. See Item BE).

Japanese Laid-Open Patent Publication No. JP-5-205276 was cited in an Information Disclosure Statement filed in this application on 24 September 2003. Japanese Laid-Open Patent Publication Nos. 60-167129 and 60-242532 were cited in an Information Disclosure Statement filed in this application on 11 February 2004. Accordingly, copies of only the cover page and English language Abstract are being provided with respect to the latter three references herewith (see items BD, BF-BG).

FEES

III. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

- a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b. within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

- c. _____ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

OR

- b. X See the certification below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(d)

The undersigned hereby states that

_____ This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Accordingly, Applicant(s) respectfully hereby petition(s) that this Information Disclosure Statement be considered.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e)
(check only one box)

The undersigned hereby states that

- a. X each item of information contained in this IDS that has not been previously cited in this application was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. no item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

 X No fee is required.

 X Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. However, if for any reason a further fee is required, a fee paid is inadequate or a credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. Further, if it is determined that this Information Disclosure Statement has been filed under the wrong rule, the United States Patent and Trademark Office is requested to consider this Information Disclosure Statement under the proper rule, with a petition if necessary, and to charge the appropriate fee to Deposit Account No. 04-1105.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 49954-DIV 1 (70551) . A duplicate copy of this paper is enclosed.

Dated: December 5, 2006

Respectfully submitted,

By David A. Tucker
David A. Tucker
Registration No.: 27,840
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P.O. Box 55874
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/670,666-Conf. #8361
				Filing Date	September 24, 2003
				First Named Inventor	Junsaku Nakajima, et al.
				Art Unit	2627
				Examiner Name	Ortiz Criado, Jorge L.
Sheet	1	of	1	Attorney Docket Number	49954-DIV 1 (70551)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	BA	WO-99/13466	03-18-1999			✓
	BB	EP-0 708 439-A1	04-24-1996			✓
	BC	JP-11-144327	05-28-1999			✓
	BD	JP-05-205276	08-13-1993		Front page only	✓
	BE	JP-07-21588	01-24-1995		Front page only	✓
	BF	JP-60-167129	08-30-1985		Front page only	✓
	BG	JP-60-242532	12-02-1985		Front page only	✓
	BH	JP-11-16168	01-22-1999			✓
	BI	EP-0 706 174-A1	04-10-1996			✓

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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